



Brian Schweitzer
Governor

OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

SENATE JUDICIARY
COMMITTEE NO. 30
2/7/11
SB/RS
Chief Public Defender
Randi Hood

MEMORANDUM

TO: Senator Wanzenried

FROM: Harry Freebourn

CC: Randi Hood, Chief Public Defender
Fritz Gillespie, Chair, Montana Public Defender Commission

DATE: February 6, 2011

RE: Agency Cost Information – Death Penalty vs. Non-Death Penalty

This memorandum provides expenditure information for all death penalty cases handled by the agency and provides a comparison of similar cases, with and without the possibility of the death penalty.

1. Expenditures: Since the agency's inception on July 1, 2006 through December 31, 2010, we have expended \$356,876 on five separate cases where the death penalty was a possibility at some point in time. In some instances a case began as a "death penalty case" and the agency made expenditures for experts and other defense related items, but the case was changed to a "non-death penalty case" later in the judicial process. Also, the agency inherited some cases that were ongoing before inception and therefore the cost noted above includes only our agency's costs for defense and excludes costs that were paid by other governmental entities.
2. To compare similar homicide cases: The combined cost for the Miller/Lebrum cases that were originally death penalty cases (later in the process the death penalty was removed as an option) was about \$153,000 vs. the combined cost for the Kirkbride/Rickman cases that were never death penalty cases (and ultimately resulted in a plea bargain) of about \$2,500.
3. The Tyler Michael Miller case which is currently listed as a death penalty case has cost about \$20,500 to date. This case is new and has only been in existence for a little over one month. If the case were a non-death penalty case the cost would be about \$12,500 to date.

Senator, I hope this information is useful and if you need anything further please call me at 406-496-6084 or email me at hfreebourn@mt.gov.